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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

STEVEN GLICKMAN, and ANDREW	:	
KIMMEL, on behalf of	:	
themselves and the Putative	:	
class,	:	
	:	Civil Action No.: 15:cv:08041
Plaintiffs,	:	
	:	
vs.	:	
	:	
LIVE NATION ENTERTAINMENT,	:	
INC., LIVE NATION WORLDWIDE,	:	
INC., LIVE NATION CONCERTS,	:	
LIVE NATION TICKETING LLC,	:	
LIVE NATION GLOBAL TOURING,	:	
ABC CORP. 1-20,	:	
	:	
Defendants.	:	

SECOND AMENDED COMPLAINT AND JURY DEMAND
(CLASS ACTION)

Plaintiff, Steven Glickman, residing in Livingston, New Jersey, and Plaintiff, Andrew Kimmel, residing in Edgewater, New Jersey, by and through their undersigned attorneys, by way of Second Amended Complaint, brings this suit against Defendants Live Nation Entertainment, Inc. ("LNE"), Live Nation Worldwide, Inc. ("LNW"), Live Nation Concerts ("LNC"), Live Nation Ticketing, LLC ("LNT"), Live Nation Global Touring ("LNGT"), and ABC Corp. 1-20

(LNE, LNW, LNC, LNT, LNGT, and ABC Corp 1-20 collectively the "Defendants") to recover damages owed to them and others similarly situated.

I. NATURE OF THE ACTION

1. Defendants promoted, sold tickets to, and were responsible for ticket allocation and distribution for many concerts held in New Jersey for the six year period prior to the filing of the complaint in this matter (collectively the "Concerts").

2. Defendants promoted, sold tickets to, and were responsible for ticket allocation and distribution for Phish's 2013 Fall Tour held at Boardwalk Hall and Maroon 5's "Overexposed" tour held at the IZOD Center.

3. It is a violation of the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et. seq. (the "Statute") for Defendants to withhold more than 5% of tickets destined to be available for sale to the general public.

4. The Legislature imposed restrictions on the withholding of tickets that are destined to be available for sale to the general public.

5. Defendants withheld more than 5% of tickets that were destined to be available for sale to the general public.

6. There exists within the entertainment and sports industries a customary practice of withholding a percentage of tickets from public sale either through contractual obligations or

by way of habit and custom. Commonly known as "holds" or "hold-backs", these tickets are held for persons and groups such as event promoters, sponsors, performers, entertainment critics, celebrities, local dignitaries, and other connected insiders.

7. Defendants held back tickets for all of the Concerts at issue.

8. Some of these holds are then sold to ticket brokers, ticketing companies, venues, or artists for resale on the secondary market. This allows those entities to obtain large blocks of prime tickets for the Concerts prior to those tickets being offered to the public. These brokers, venues, artists, and ticketing companies, or others pay Defendants a premium in order to have access to the best seats to the Concerts before the general public.

9. Those prime seats are then sold through primary/secondary channels such as Ticketsnow, TM+, or other marketplaces for the highest market value. Defendants are providing/selling the best tickets to venues, artists, and ticketing companies who are then selling those tickets to the general public for more than face value.

10. The effect of Defendants' withholding of tickets from sale to the public limits the available seats that the general public can purchase at face value, which increases demand for tickets on the secondary market causing prices to increase.

11. Defendants' actions and their withholding of more than 5% of tickets for the Concerts destined to be available for sale

to the general public, forced fans into a secondary market for tickets to the Concerts where they paid substantially more than the ticket's face value.

12. In addition, Defendants have a custom and practice of withholding tickets destined to be available for sale to the general public to the Concerts. Defendants withheld tickets to every identifiable Live Nation concert held at Boardwalk Hall since 2008.

13. In accordance with Defendants' long standing custom and practice, Defendants also withheld tickets to Live Nation concerts held at the IZOD Center, Prudential Center, Metlife Stadium, Giants Stadium, and other New Jersey venues.

14. Defendants withheld more than 5% of tickets destined to be available for sale to the general public to the following **24** concerts at Boardwalk Hall: Jimmy Buffet 2008, Jimmy Buffet 2009, Jimmy Buffet 2012, Aerosmith 2014, Aerosmith 2010, Beyonce 2013, Britney Spears 2011, Elton John 2008, Jason Aldean 2014, Jay-Z & Kanye West 2011, Kanye West 2014, Kiss & Def Leppard 2014, Lady Gaga 2011, Lady Gaga 2010, Lady Gaga 2014, Luke Bryan 2013, Madonna 2008, Madonna 2012, Mary J Blige & Jay-Z 2008, Miranda Lambert & Dierks Bentley 2013, Nickelback 2010, Phish 2010, Phish 2013, and Rascal Flatts 2012.

15. Aerosmith held two shows at Boardwalk Hall, one in 2010 and one in 2014. In 2014, the director of ticketing for Live Nation National Touring sent an e-mail to numerous venues that were hosting Aerosmith concerts setting forth the ticketing instructions for the concert. The e-mail stated "There are a lot of holds with very specific request." A copy of the e-mail is set forth below:

From: Jen Zahorchak [<mailto:JenZahorchak@LiveNation.com>]
Sent: Thursday, April 03, 2014 9:02 PM
To: Josh Iden; Emma Pancoast; Paul Macdonald; Kathryn Deamaral; Kelly Benhase; Daniel Mollway; Amanda Kopec; So Cal Ticketing; Valenzuela, John; lilla.zepeda@msg.com; Flores, Janet; Frank, Yvette; Fujii, Megumi; Jozee Perrelli; Andrea Bradley; Deb Murdock; Rochelle (Scott) Henningfield; april.killian@pepsicenter.com; Buck Williams; 'Caroline Zalman'; David H Wallace; Xavier Alvarado; Tara Bryant; Williams, Sam; Tommy Nash; Harris, Bill; Jeffrey Weinhold; Redlowsk, Bridgette; Ronald Clause; Dave Clark
Cc: Rinat Radvinsky; Carrie Paglinco; Ryan McElrath; Courtney Caswell; Chase Rosencrantz
Subject: Aerosmith 2014 - Ticketing Letter + Timeline

Hello –

Attached please find the ticketing letter and timeline for Aerosmith: Let Rock Rule.

Once your event build is complete, please send me the following starting reports: starting audit, maptype of each hold, and a scaling map. Non-TM events please also send a ticket header and event link.

A few key notes:

- Announce time is TBD
- VIP Package Pricing for Aerosmith Packages is TBD
- Facebook Presale password is TBD
- There are a lot of holds with very specific requests. Please do your best to meet the hold requirements, and reach out to me if you get stuck. If you had a show in 2012, please try to carve out a similar hold scenario (I've included Deidra's 2012 suggestions for a good reference).
- Markets with American Express offers – to calculate the breakdown for AMEX, please take remaining opens after holds – 10% goes to public hold, and 1,000 tickets should be left in OPEN for Fan Club & other presales. After this, the remaining inventory will be your AMEX allotment. Please follow percentage breakdowns in the letter to carve out to specific card types.
- Some markets will have a Groupon offer at the onsale – Chase will be in touch regarding offer setup.

Please remember to place your credit card post sale inventory as well.
 Thank you!

Jen Zahorchak | Director - Ticketing | National Touring
 Email: jenskatba@livenation.com
 Phone: (310) 867-7107 Cell: (310) 691-9008 Fax: (310) 861-5284
 9348 Civic Center Drive, Beverly Hills, CA 90210
www.LiveNation.com



16. Defendants' withholding of tickets was not based on the venue hosting the Aerosmith concerts, but were global instructions for all Aerosmith concerts, including the concerts in New Jersey.

17. At least 2,030 tickets were withheld by Defendants for the Aerosmith concert in 2014. Defendants' withheld more than 5% of tickets destined to be available for sale to the general public which violates the Statute. A copy of the hold document is set forth below:

AEROSMITH HOLDS							
NUMBER	NAME	NOTES	P1	P2	P3	P4	DETAILS
OPEN	VIP1HOLD	(50) 1ST 10	50				SPLIT W/PLAT
F-HOLD	PLAT	1ST 10 ROWS	300				1ST 15 FLOOR, 1ST 5 SIDE
1-BAND	BAND#ST	20 FR	120				100 1ST 10
1-BAND	BAND#JP	20 FR STAGE LEFT	120				100 1ST 10
1-BAND	BAND#JK	20 1ST 5 BY THRUST	20				
1-BAND	BAND#BW	20 1ST 5 STAGE RIGHT	20				
1-BAND	BAND#TH	20 1ST 15 STAGE RIGHT	20				
2-HOLD	HK	ROWS 5-10 BOWL	10				1ST SECTION DOWNSTAGE EDGE
1-BAND	SUPPC	10 1ST 20 ROWS	20	20			10 P1 STG LEFT MAX ROW 15
1-BAND	SUPPB		100				LOW BOWL SIDE STG LEFT
1-BAND	BAND#BUY		20				
2-LNT	LNT	20 FLOOR ROWS 10-14	50	10			30 P1 LOWER CLOSEST TO STAGE
OPEN	VIP4HOLD		50				B/A AFTER OTHER HOLDS
OPEN	VIP2HOLD		1000				B/A AFTER OTHER HOLDS
OPEN	VIP3HOLD		100				B/A AFTER OTHER HOLDS
4-	MKTG						
8-HOLD	BUILD	NOTHING IN 1ST 10					
HOLD	PUBLIC						10% OF OPENS AFTER HOLDS
OPEN	AMXCNT						7% P1
OPEN	AMXPLT						20% P1
OPEN	AMXGLD						73% P1/P2
OPEN	AMXBLU						80%
POST SALES							
OPEN	AMXGLDHOLD		100				
OPEN	AMXBLUHOLD						400 TICKETS
OPEN	CITIPOSTHOLD		200	200			

18. For Aerosmith's 2010 concert, Live Nation circulated a chart of venues hosting the concert along with a chart setting forth what tickets to withhold. Defendants withheld at least 1,292 tickets to the 2010 concert. The withholding of tickets to this concert was more than 5% of tickets destined to be available for sale to the general public and a violation of the Statute. A copy of the chart is set forth below:

7

TICKET HOLDS

LUKE BRYAN

- One Hundred Twenty (120) COMP tickets
 - 20 GA
 - 40 within rows 5-10 on the floor
 - 60 lower bowl within first four rows of third section from stage (on left or right side of house)
- Forty (40) COD tickets held for potential label purchase

VIP TICKET PACKAGES

- Three Hundred (300) P1 tickets within rows 1-10 of the lower bowl in second section from stage on left and right side of house. (150 second section stage right and 150 second section stage left)
- CID Entertainment is handling our VIP Packages. Please send approved holds to David Sher davidsher@cidentertainment.com and Mike Strauss mikestrauss@cidentertainment.com (267.528.0400) per CID's ticketing letter.
- VIP tickets should be available during ALL presales, as well as the public on sale.
- VIP tickets go on sale via Ticketmaster starting Tuesday prior to on sale at 10am local time (so they are available during Luke's fan club presale) and stay enabled for ALL presales.
- VIP ticket limits: 4 tickets pre-sale. 6 tickets public on sale
- Please hold back 30 VIP tickets for the public on sale.

TOUR SPONSORS

1) CABELA'S

- 10 P1 tickets for potential purchase lower bowl
- 20 tickets in rows 6-8 on the floor

2) Miller Lite - TBD

3) Potential Sponsors

- 24 P1 tickets - all tickets together and in rows 6-10 on floor
- 20 P1 tickets for potential purchase lower bowl

4) GAC

- 10 GA tickets. These tickets are to remain on hold. A will call list will be provided day of show.

5) CITI

- Citi Preferred - 100 P1 reserved tickets to be sold as Citi Preferred
- Citi Preferred may be released for public sale after all other inventory is sold out in each price level or 4 weeks prior to show date, which ever occurs first

RED LIGHT MANAGEMENT -

- Thirty (30) P1 tickets for potential purchase within rows 6-10 lower bowl in second section from stage

SUPPORT

SUPPORT #1 - Lee Brice

- Forty (40) COMP tickets
- Thirty (30) COD tickets held for potential label purchase

SUPPORT #2 - Cole Swindell

- Twenty (20) COMP tickets
- Twenty (20) COD tickets for potential label purchase

20. Lady Gaga held concerts at Boardwalk Hall in 2010, 2011, and 2014. Again, Defendants' withholding was not limited to just this venue or just this artist. The amount of tickets withheld were approximately 2,918 for the 2010 concert and 3,332 in 2011. The ticketing instructions for Lady Gaga's 2010 tour are for all North America Arenas as set forth below.

Lady Gaga
Monster Ball Tour 2010

Hold Info

Print Date: 10/22/2015
Print Time: 10:23 AM

CITY: ATLANTIC CITY

VENUE:

Boardwalk Hall

DATE: Sun Jul 4/10

TICKET HOLDS PAY FOR:	P1	P2 Fir GA	P2 Res	P3	TOTAL	Hold Code	Location Notes
Lady Gaga	70	30			100	1#gagahold	Hold groups of 4 or 6 or 8, no block hold. Hold 60% on stage left, 40% stage right, in lower third of section starting in 4th row at the main stage, and going to the b-stage or 1 section past b-stage if necessary.
Support		10	10		20	1#supphold	best P2's
Crew	40				40	1#crewhold	good seats near artist holds but behind artist holds
Artist Sponsors	50				50	1#sponhold	include some artist quality holds, the rest good
LNGT	40	40	10		90	2#lngthold	same as artist holds
WME	30				30	2#wmehold	include some artist quality holds, the rest very good
Virgin Mobile	20	20			40	2#vmobhold	half in row 3 and half in row 6 within first 2 sections on either side of stage
Label (IGA)	6		48	6	60	2#igahold	some must be great, with the rest within the best 50% of price level
Label Promo				40	40	2#labpromhold	best of the price level
Venue	42	30		62	134	8	no floors
Local Promoter	50		50		100	5	some decent seats
LN Exec/Alliance	2				2	2#lnexchold	some decent seats
Pool	200		200	100	500		Must be in groups of 6 or 8 scattered throughout best 50% of price level.
Caesars	910		160		1,070	7#caesarshold	great seats
Taj	300		16		316	7#trumphold	great seats
Borgata	150		250		400	7#borgatahold	150 to be great
PRESALES:							
Citi presale							all opens after holds & public holdback but must have some great seats
Citi preferred	100		100		200		hold the best 400 remaining Citi opens after Citi presale ends, prefer P1/P2
Virgin Mobile							must be within best 40% of price level and must include some great seats
Venue Presale							n/a
VIP Packages							P1=must be great seats starting at main stage and going no more than 1 section past b-stage, in low rows. Close to party room if possible. P2=must be best of price level, lower bowl if available (not side stage though)
Public Holdback							Hold a mix of seats, front to back.
COMPS:							
Sprint	8				8	4#sprinthold	within best 50% of price level
Radio Promo	20	60	40	80	200	4#radiohold	decent to mid-grade
Reviewer	20				20	4#reviewhold	hold on stage left, directly in front of b-stage between rows 8-10, on aisle
Virgin Mobile	10				10	4#vmobchold	half in row 3 and half in row 6 within first 2 sections on either side of stage
TOTAL	2,068	190	884	288	3,430		

THE HOLDS ARE TO BE MANAGED AS FOLLOWS

No seats may be held in the first 6 rows of the stands unless authorized by Live Nation Global Touring (LNGT).

Orders may be processed once LNGT have approved the final manifest, starting the day after public onsale.

ALL SEATS HELD ARE CONSIDERED SOLD. THERE ARE NO RETURN PRIVILEGES.

All payments are to be made to the ticket agent or the Venue, not LNGT or the local promoter.

No tickets are to be released without full payment, no consignments, no credit and no paying at settlement.

No comps unless authorized by LNGT.

Assign only even amounts per row, no odd numbers unless asked for.

Lady Gaga
Monster Ball Tour 2010

Hold Info

Print Date: 04/22/2010
Print Time: 11:47 AM

CITY: ATLANTIC CITY

VENUE:

Boardwalk Hall

DATE: Sat Feb 19/11

TICKET HOLDS PAY FOR:	P1	P2 Fir GA	P2 Res	P3	TOTAL	Hold Code	Location Notes
Lady Gaga	70	30			100	1#gagahold	Hold groups of 4 or 6 or 8, no block hold. Hold 60% on stage left, 40% stage right, in lower third of section starting in 4th row at the main stage, and going to the b-stage or 1 section past b-stage if necessary.
Support		10	10		20	1#supphold	best P2's
Crew	40				40	1#crewhold	good seats near artist holds but behind artist holds
Artist Sponsors	30				30	1#sponhold	include some artist quality holds, the rest good
LNGT	40	40			80	2#lngthold	same as artist holds
WME	20				20	2#wmehold	include some artist quality holds, the rest very good
Virgin Mobile						2#vmobhold	half in row 3 and half in row 6 within first 2 sections on either side of stage
Label (IGA)	40		40	20	100	2#lghahold	some must be great, with the rest within the best 50% of price level
Label Promo			54	50	104	2#labpromhold	best of the price level
Venue	80	40	20	80	220	8 hall	no floors
Local Promoter	50		50		100	6 lnb	some decent seats
LN Exec/Alliance						2#lnexchold	some decent seats
Pool	200		200	100	500	5 pool	Must be in groups of 6 or 8 scattered throughout best 50% of price level.
Caesars	1,310		60		1,370	7#caesarshold	great seats
Taj	146		114		260	7#trumphold	great seats
Borgata	150				150	7#borgatahold	150 to be great
PRESALES:							
Citi presale							all opens after holds & public holdback but must have some great seats
Citi preferred	200		200		400		hold the best 400 remaining Citi opens after Citi presale ends, prefer P1/P2
Virgin Mobile							must be within best 40% of price level and must include some great seats
Venue Presale							n/a
VIP Packages							P1=must be great seats starting at main stage and going no more than 1 section past b-stage, in low rows. Close to party room if possible. P2=must be best of price level, lower bowl if available (not side stage though)
Public Holdback							Hold a mix of seats, front to back.
COMPS:							
Sprint	8				8	4#sprinthold	within best 50% of price level
Radio Promo	20	60	40	80	200	4#radiohold	decent to mid-grade
Reviewer	20				20	4#reviewhold	hold on stage left, directly in front of b-stage between rows 8-10, on aisle
Virgin Mobile						4#vmobchold	half in row 3 and half in row 6 within first 2 sections on either side of stage
TOTAL	2,424	180	788	330	3,722		

THE HOLDS ARE TO BE MANAGED AS FOLLOWS

No seats may be held in the first 6 rows of the stands unless authorized by Live Nation Global Touring (LNGT).

Orders may be processed once LNGT have approved the final manifest, starting the day after public onsale.

ALL SEATS HELD ARE CONSIDERED SOLD. THERE ARE NO RETURN PRIVILEGES.

All payments are to be made to the ticket agent or the Venue, not LNGT or the local promoter.

No tickets are to be released without full payment, no consignments, no credit

and no paying at settlement.

No comps unless authorized by LNGT.

Assign only even amounts per row, no odd numbers unless asked for.

Copy of LGG2011-3sheet-AtlanticCity Hold Info

Live Nation Global Touring
Toronto, CANADA

21. The withholding of tickets to the Lady Gaga concerts in New Jersey was in excess of 5% of tickets destined to be available for sale to the general public and a violation of the Statute.

22. In July 2013, Live Nation presented a concert by Beyonce at the Boardwalk Hall in Atlantic City, New Jersey. Boardwalk Hall had a seating capacity of 12,962 for the concert. Live Nation withheld over 2,000 tickets for the artist, label, sponsors, casinos, venue, local promoters and itself as set forth in the chart below. This included the majority of the best seats in the house.

BEYONCE
Starring in The Mrs. Smith Show

Hold Info

Print Date: 10/22/2015
Print Time: 11:50 AM

CITY: **ATLANTIC CITY** VENUE: **Boardwalk Hall**

DATE: **Fri Jul 26/13**

**** NO SIDE STAGE HOLDS FOR ANY HOLDS OR PRESALES ****

TICKET HOLDS PAY FOR:	P1	P2	P3	P4 GA	P5	P6	TOTAL	Hold Code	Location Notes
Artist/Mgmt	50	50	10	110			220	1#art	P1-Hold groups of 6 to 10, no block hold. Hold on aisle when possible, in lower third of first section on either side of stage starting in 4th row. Do not hold on DSE side, so as to get a fuller view of stage. If required go into 2nd section from stage as well. Split 50/50 between stage left/right. P2= same rules as above, in best P2 sections in lower bowl (but not side stage).
LN Global Touring	18	10		10			38	2#lgt	same quality as artist holds
Label (Sony)	6	40	10	16			72	2#sony	Must have some great seats that are same quality as artist hold. Otherwise hold good seats.
Sponsor: Pepsi	12	20	8	10			50	2#pepsi	Same instructions as above.
H&M									none
Coty									none
Support/Supplabel		10		10			20	1#supp	good seats
Local Promoter	50	140					190	3	Include some great seats
Venue	70	50	84	50		44	298	8	
Casino Buys	760	290	10				1,060	5/7	
LN Alliance								2#lnall	Include some great seats
PSS Red Card									If approved
public								H	In each price level, hold 50 to 100 decent scattered seats. For the balance at each price level, hold the very worst solid blocks of seats. Solid blocks! Very worst!
PRESALES:									
Fan Club/VIP Plgs								f	P1/P2=starting in best sections hold every 3rd row holding full rows if possible. For the balance hold the best sections, again holding full rows where possible.
Mastercard									all opens after holds and public
Venue									will sell from unsold mastercard inventory
COMPS:									
Marketing Promo	20	40	30	30			120	4#promo	mid-grade (not the very best or worst)
Reviewer	20						20	4#review	In 2nd section from stage on aisle in groups of 4 or 6, between 8-12 rows up
TOTAL	1,006	650	152	236	44		2,088		

THE HOLDS ARE TO BE MANAGED AS FOLLOWS
Orders may be processed once LINGT have approved the final manifest, starting the day after public onsale..
ALL SEATS HELD ARE CONSIDERED SOLD. THERE ARE NO RETURN PRIVILEGES.
All payments are to be made to the ticket agent or the Venue, not LINGT or the local promoter.
No tickets are to be released without full payment, no consignments, no credit and no paying at settlement.
No comps unless authorized by LINGT.
Assign only even amounts per row, no odd numbers unless asked for.

23. Defendants' withholding was more than 5% of tickets to the Beyonce concert destined to be available for sale to the general public and a violation of the Statute.

24. Further, Live Nation admitted in its Ticketing Information instructions for Beyonce's 2013 tour that "The ticket inventory for this show will be strictly controlled by Live Nation Global Touring who has final say over all holds and releases including those from the venue and from local Live Nation offices." (emphasis in original).

25. Jimmy Buffet held concerts at Boardwalk Hall in 2008, 2009, and 2012. For each concert, Defendants withheld numerous tickets. Over 5,000 tickets were withheld for the concert in 2008, over 2,800 tickets withheld in 2009, and over 2,000 tickets withheld in 2012 as set forth in the charts below.

JIMMY BUFFETT AND THE CORAL REEFER BAND BOARDWALK HALL ATLANTIC CITY, NJ SUN AUG 24TH 2008 8:00PM						
					TOTAL	
	\$226.00	\$156.00	\$96.00	\$66.00	CAPACITY	
CAPACITY:	4983	5418	3051	1936	15388	SEATING CAP
LESS KILLS:	0	1516	0	0	1516	===
SELLABLE CAPACITY:	4983	3902	3051	1936	13872	NET CAP
CAESARS (SPONSOR)	490	570	10	0	1070	E-HOLD
BAND	306	48	0	0	354	1-HOLD
LANDSHARK	100	0	0	0	100	2-HOLD
MARGARITAVILLE	28	0	0	0	28	3-HOLD
PARROTHEAD	0	0	0	285	285	4-HOLD
LIVE NATION	90	100	0	0	190	5-HOLD
RADIO PROMOTION	0	0	18	0	18	6-HOLD
ISL	50	140	142	0	332	7-HOLD
BUILDING	99	94	102	140	435	8-HOLD
ADA	60	60	60	16	196	9-HOLD
TOTAL HOLDS:	1223	1012	332	441	3008	
AVAILABLE TO PURCHASE:	3760	2890	2719	1495	10864	

JIMMY BUFFETT AND THE CORAL REEFER BAND						
BOARDWALK HALL						
ATLANTIC CITY, NJ						
SUN AUG 24TH 2008 8:00PM						
					TOTAL	
	\$226.00	\$156.00	\$96.00	\$66.00	CAPACITY	
CAPACITY:	6368	4874	2226	1510	14978	SEATING CAP
LESS KILLS:	0	144	0	0	144	===
SELLABLE CAPACITY:	6368	4730	2226	1510	14834	NET CAP
CAESARS (SPONSOR)	1150	1050	550	0	2750	E-HOLD
BAND	494	132	0	0	626	1-HOLD
LANDSHARK	150	0	0	0	150	2-HOLD
MARGARITAVILLE	34	0	0	0	34	3-HOLD
PARROTHEAD	0	0	0	300	300	4-HOLD
LIVE NATION	104	200	0	0	304	5-HOLD
FLEX PRICING P1/P2	1232	0	0	0	1232	6-HOLD
ISL	180	177	125	0	482	7-HOLD
BUILDING	140	133	68	126	467	8-HOLD
ADA	154	12	0	0	166	9-HOLD
TOTAL HOLDS:	3638	1704	743	426	6511	
AVAILABLE TO PURCHASE:	2730	3026	1483	1084	8323	

JIMMY BUFFETT August 4th 2012 8pm Boardwalk Hall Atlantic City, NJ						
					TOTAL	
	\$228.00	\$158.00	\$98.00	\$68.00	CAPACITY	
CAPACITY:	2417	4249	3130	4162	13958	SEATING CAP
LESS (flex) KILLS:	0	80	0	0	80	===
SELLABLE CAPACITY:	2417	4169	3130	4162	13878	NET CAP
PRODUCTION HOLDS	0	0	0	0	0	
BAND	446	48	0	0	494	
MARGARITAVILLE	30	0	0	0	30	
LANDSHARK	75	0	0	0	75	
PROMOTIONS	4	0	124	0	128	
LIVE NATION	50	0	0	50	100	
BUILDING	80	60	98	138	376	
FAN CLUB	0	0	0	300	300	
ISL/Casino Buy	228	219	72	0	519	
ADA	60	60	60	16	196	
TOTAL HOLDS:	973	387	354	504	2218	
TOTAL FLEX:	0	2016	1069	2015	5100	
AVAILABLE TO PURCHAS	1444	1766	1707	1643	6560	

26. Defendants withheld more than 5% of tickets destined to be available for sale to the general public to each Jimmy Buffet concert in violation of the Statute.

27. The same is true for concerts by Britney Spears in 2011 (over 940 tickets withheld) and Elton John in 2008 (over 4,500 tickets withheld). Charts showing those holds are set forth below.

BRITNEY SPEARS
Femme Fatale Tour 2011

Hold Info

Print Date: 10/22/2015
Print Time: 1:07 PM

CITY: Atlantic City

VENUE:

Boardwalk Hall

DATE: Sat Aug 6/11

TICKET HOLDS PAY FOR:	PL1	PL2	PL3	PL4	PL5	TOTAL	Hold Code	Location Notes
Britney Spears	4	100				104	1#brit	P1=front row next to runway. For P2 see holds map.
Nicki Minaj		60				60	1#nick	see holds map
Support Acts		40				40	1#supp	decent stands but no better than Britney or Minaj holds
WME		10				10	2#wme	decent stands no further than b-stage, in lower half of section
LN-LA Touring	2	30				32	2#lnla	P1=front row next to Britney front row. For P2 see holds map.
LNGT		10				10	2#lngt	decent stands no further than b-stage, in lower half of section
Britney Label-Sony		40				40	3#blab	P1=front row next to LN-LA front row. P2=good stands no further than one section past b-stage
Minaj Label		20	10			30	3#nlab	P2=no worse than Britney label holds. P3=best
Support Acts Labels		20	20			40		cannot be better than Britney or Minaj label holds
Tour Sponsor		50				50	2#spon	see holds map
Venue		108	50	60		218	8, 7#	hall, TSL #hilton_rugget
LN Local		50				50	5	no floor or P5 holds
LN Exec/Alliance		30	10			40	2#lnex	include some great stands, otherwise no further than one section past b-stage
Platinum								see holds map
Public Holdback								P1=back half of floors. P2=a few floors but mostly stands, scattered mid-grade seats. P3-P5=scattered. Also hold additional sections as noted in email.
PRESALES:								
Britney Presale								see holds map
Minaj Presale								see holds map
Citi Presale								remaining opens but include some great seats (sharing with Britney presale)
Citi Preferred							n/a	Not a presale. 400 total, will confirm locations later but to come from P1-P3
ln.com/radio/venue								selling from Citi inventory (whatever is left by Wednesday)
VIP Pkg-front row								see holds map
VIP Pkg-hospitality								see holds map
VIP Pkg-gold								see holds map
VIP Pkg-silver								see holds map
COMPS:								
Radio Promo-Local	8			198		206	4#radi	P1=off centre in back half of P1's. P2/P3=mid-grade stands not the best
Radio Promo-Nat'l								EW P2 hold must be within first 2 rows in stands no further than B-stage
Reviewer		10				10	4#rev	In section facing B-stage, 4+6 on aisle between rows 8-10
TOTAL	14	578	90	258		940		

THE HOLDS ARE TO BE MANAGED AS FOLLOWS

No seats may be held on the floor or at the lowest price unless authorized by Live Nation Global Touring (LNGT). Orders may be processed once LNGT have approved the final manifest, starting the day after public onsale.

ALL SEATS HELD ARE CONSIDERED SOLD. THERE ARE NO RETURN PRIVILEGES.

No comps unless authorized by LNGT, or unless they are contractually agreed upon.

Assign only even amounts per row, no odd numbers unless asked for (outside of presale allotments, they may get odd numbers of seats).

ELTON JOHN							
SATURDAY, JULY 19, 2008							
BOARDWALK HALL							
ATLANTIC CITY, NJ							
						TOTAL	
	\$227.00	\$177.00	\$127.00	\$87.00	\$67.00	CAPACITY	
CAPACITY:	5110	2896	2649	4589	2046	17290	
LESS KILLS:	64	1844	1166	40		3114	
SELLABLE CAPACITY:	5046	1052	1483	4549	2046	14176	
HOLDS AFTER FLEX		120	120			240	D-HOLD
CAESARS	1450		950	20		2420	E-HOLD
HRA	88					88	1-HOLD
BAND	294					294	2-HOLD
FAN CLUB	150					150	3-HOLD
LIVE NATION	600					600	4-HOLD
FLEX	1310	0				1310	5-HOLD
						0	6-HOLD
CASINO	230	20	415	95		760	7-HOLD
BUILDING	92			102	70	264	8-HOLD
ADA	90	30	30	34	12	196	9-HOLD
						0	
						0	
PRODUCTION/FLEX KILLS						0	===
TOTAL HOLDS:	4304	50	1395	251	82	6082	
AVAILABLE TO PURCHASE:	742	1002	88	4298	1964	8094	

28. Defendants withholding of tickets for the Britney Spears and Elton John concerts was in excess of 5% of tickets destined to be available for sale to the general public and violated the Statute.

29. For Kanye West's 2014 tour, Defendants sent out ticketing information to all venues that were hosting concerts. The ticketing information documents shows that Defendants withheld tickets to every Kanye West concert regardless of venue. The instructions, as set forth below, also indicate that only 10% of each price level after holds should be released to the general public.

Holds/ offer setup are listed in the order of priority.

(-TRMK) Live Nation Tour Marketing: 10 tickets total

- 6 GA PIT (in the GA area by the stage/thrust)
- 4 P1 Reserved best 25% of house

(-LNT) LN Touring: 20 tickets

- 20 P1 Reserved tickets in rows 1-10 first two sections sidestage in the stands

* * *

(-ART) Kanye West: varies

- 150 tickets total: 75 GA Floor (regular GA floor, not VIP GA), 75 P1 Reserved - intermixed with VIP and Platinum as best as possible -
- Uniondale & Newark: 300 tickets total: 150 GA Floor (regular GA floor, not VIP), 150 P1 Reserved - intermixed with VIP and Platinum as best as possible -

(-CAA) CAA Hold: 20 tickets

- 20 P1 Reserved tickets best available after holds above

(-SPON) Sponsor : 30 tickets

- 30 P1 Reserved scattered best avail after holds above

(-PRESS) Reviewer Comps: varies

- 6 P1 Reserved tickets best 25% of house
- Uniondale & Newark: 14 P1 Reserved tickets best 25% of house

(-LABL) Label Hold: 40 ticket total

- 30 P1 Reserved tickets best avail scattered
- 10 P2 Reserved Tickets best avail

(-MKTG) Local Marketing: varies

Varies per local marketing needs with tour approval from Kelly Strickland - Live Nation

Venue Holds – Vary by Market:
Standard Venue Holds

(-PUBL) Public Holdback:

- 10% of each price level after Holds, please mix in some good locations.
- to be released onto general Opens at the conclusion of the presale period

30. Defendants' withholding of tickets set forth above and/or withholding of other tickets to the Kanye West concert in New Jersey was in excess of 5% of tickets destined to be available for sale to the general public and in violation of the Statute.

31. For Phish's 2013 Fall Tour, Defendants withheld at least 3,859 tickets out of 14,135 or 27% of the available tickets for each of the three dates Phish performed, as set forth in the chart below. The withholding of more than 5% of tickets destined to be available for sale to the general public to the 2013 Phish concerts violated the Statute.

S3 / Ticket Limits / Availability					
LEVEL	GA	RES	RES	RES	Totals
L-PASS	174.00	174.00	174.00	174.00	

PLevels (X Nums)	1-7	8-42 80-96	43-58 71-79	59-70	

Capacity	3065	4619	5539	912	14135
Total Opens	357	626	998	184	2165
Selcls Opens	0	0	0	0	0
Obson opens	0	0	0	0	0

Total Holds	989	1548	1085	237	3859
Selcls Holds	0	0	0	0	0
Obson Holds	0	0	0	0	0
usld Q Holds	4	33	80	13	130

32. In addition, Defendants withheld at least 1,319 tickets for each of the three shows of Phish's 2010 Fall Tour at Boardwalk Hall. The chart below shows the withheld tickets.

	UNSOLD TICKETS					
OPEN	1332	1484	2607	420	5843	350580.00
2-LABL		40			40	2400.00
3-BOX	50	169	109	36	364	21840.00
4-LNVP		104			104	6240.00
6-LN	70	280			350	21000.00
8-HALL	60	212	108		380	22800.00
9-ADA		196			196	11760.00
UNSOLD	1512	2485	2824	456	7277	436620.00
SEATING CAP	3065	4619	5539	912	14135	848100.00
NET CAP	3065	4619	5539	912	14135	848100.00

33. Defendants' withholding of more than 5% of tickets destined to be available for sale to the general public to the Phish concerts in 2010 was a violation of the Statute.

34. Defendants withheld approximately 2,519 tickets for the Maroon 5 concert at the IZOD Center. This consisted of the following holds:

- a. 178 labeled "Comp"
- b. 22 labeled "Open"
- c. 14 labeled "D-Hold"
- d. 932 labeled "E-Hold"
- e. 110 labeled "2-Bldg" for IZOD Center/NJSEA holds
- f. 142 labeled "4-Res"
- g. 162 labeled "5-Hold"
- h. 462 labeled "6-Hold"
- i. 86 labeled "8-Hold"
- j. 261 labeled "9-Hold"
- k. 2 unknown holds

35. From those holds for the IZOD Center/NJSEA at least eight Maroon 5 tickets ranging from \$291 to \$460 were for sale on the secondary ticket market. The highest valued box-office ticket that night, according to the manifest, was \$121.00.

36. Defendants withheld more than 5% of tickets destined to be available for sale to the general public to the Maroon 5 concert on February 23, 2013 in violation of the Statute.

37. Defendants also withheld 84% of tickets to Pink's March 2013 concert at the IZOD Center in East Rutherford, New Jersey making only 16% available at the general public on sale.¹ Defendants withheld more than 5% of tickets destined to be available for sale to the general public and thus violated the Statute.

38. In addition, Defendants withheld 67% of tickets to One Direction's July 2013 concert at the IZOD Center in East Rutherford, New Jersey making only 33% available at the general public on sale.² Defendants withheld more than 5% of tickets destined to be available for sale to the general public and thus violated the Statute.

39. Further, many of the seats withheld by Defendants for the One Direction concert were then posted for resale on secondary market websites.

¹ <http://www.fanfreedom.org/shows-with-holdbacks/>, last visited March 27, 2015

² <http://www.fanfreedom.org/shows-with-holdbacks/>, last visited March 27, 2015

40. Defendants' withholding of tickets set forth above spans 6 years, 22 different artists, and numerous venues across the United States.

41. This pattern of behavior represents Defendants' custom and practice of withholding in excess of 5% of tickets to the Concerts destined to be available for sale to the general public no matter what artist was performing and no matter where the concert was being held in violation of the Statute.

42. Defendants withholding of tickets in violation of the Statute is a systemic problem that is not confined to one artist or arena.

43. Defendants withheld, and continue to withhold, in excess of 5% of tickets destined to be available for sale to the general public for the benefit of, inter alia, the venue, sponsors, artists, media outlets, and other insiders for the Concerts in New Jersey.

44. In 1997, then New Jersey Governor Christine Todd Whitman signed legislation establishing the Ticket Brokering Study Commission ("Commission") that inter alia was to compare the impact of regulated and deregulated ticket resale markets for entertainment and sporting events in New Jersey. The Commission issued a report dated October 31, 2001 ("Report") which made a number of findings regarding the causes of ticket unavailability to the general public, and the resulting diversion of tickets from the initial sales to re-sales in the secondary market at prices

higher than face value. The Report found widespread holdback of tickets from sale to the general public and the diversion of those tickets to artists, venues, sponsors, promoters, and other insiders. Many of the tickets that were held back and diverted to others were then resold in the secondary market at substantially more than the face value of the ticket. The Commission concluded that "Hold-backs disproportionately affect the general public's opportunity to obtain tickets in favor of privileged insiders". Report at 26. The Commission recommended that the holdbacks be eliminated or curtailed by statute or regulation in order to insure that the general public will have better access to tickets.

45. Following the recommendations of the Commission, the New Jersey legislature enacted legislation which required that 95% of tickets destined to be available for sale to the general public be sold to the general public. That legislation was included in the New Jersey Consumer Fraud Act, which stands as one of the most protective consumer statutes in the country.

46. Defendants withholding of tickets as set forth above and/or in addition to other tickets totals more than 5% of tickets destined to be available for sale to the general public.

47. The aforesaid acts constitute a violation of the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et. seq. that resulted in damage to the plaintiffs and the plaintiff class.

48. The Statute applies to any "person, who has access to tickets to an event prior to the tickets' release for sale to the general public." N.J.S.A. 56:8-35.1 (emphasis added).

49. Defendants qualify as a person under the Statute as they have access to tickets to the Concerts prior to their release for sale to the general public.

50. As a result of the aforesaid actions of Defendants, Plaintiffs, Glickman, Kimmel, and the Plaintiff Class have been damaged.

51. Plaintiffs and the Plaintiff Class seek damages, compensation, interest, disgorgement, costs of suit, treble damages, attorneys' fees, and all other relief permitted under the CFA and/or the common law, and any other damages deemed just and proper by the Court from the Defendants.

52. This class action is brought pursuant to Rule 23 of the Federal Rules of Civil Procedure, on behalf of all persons who purchased tickets to the Concerts at a ticket price that is higher than the face value of the ticket. Excluded from the class are counsel representing the class and all persons employed by said counsel, governmental entities, Defendants, any entity in which Defendants have a controlling interest, Defendants' officers, directors, affiliates, legal representatives, employees, co-conspirators, successors, subsidiaries, and assigns, any judicial officer presiding over this matter, the members of their immediate

families and judicial staff, and any individuals whose interest are antagonistic to other class members.

II. JURISDICTION

53. This Court has subject matter jurisdiction over this action pursuant to the Class Action Fairness Act of 2005, 28 U.S.C. § 1332(d), as the proposed class contains more than 100 members, at least one of whom maintains citizenship in a state diverse from Defendants, and seeks in the aggregate more than Five Millions Dollars (\$5,000,000), exclusive of costs and interest.

III. PARTIES

54. Plaintiff Steven Glickman ("Glickman") is an individual residing at 18 Crescent Road, Livingston, New Jersey, a citizen of the State of New Jersey and a purchaser of tickets to Phish's 2013 Fall Tour on October 31, 2013. Glickman is a representative plaintiff.

55. Plaintiff, Andrew Kimmel ("Kimmel") is an individual residing in Edgewater, New Jersey, a citizen of New Jersey and a purchaser of tickets to Maroon 5's 2013 "Overexposed" tour at the IZOD Center on February 23, 2013. Kimmel is a representative plaintiff.

56. Defendant Live Nation Entertainment, Inc. is a foreign corporation engaged in the business of producing, promoting, and selling and distributing tickets to concerts and other live entertainment events and has access to tickets prior to their sale

to the general public. Its principal place of business is 9348 Civic Center Drive, Beverly Hills, CA 90210.

57. Defendant Live Nation Worldwide, Inc. is a wholly owned subsidiary corporation of defendant Live Nation Entertainment, Inc. and is registered with the New Jersey Division of Revenue to conduct business in New Jersey, with its registered agent located in West Trenton, Mercer County, New Jersey. LNW is responsible for promoting, selling, distributing, allocating and withholding tickets to concerts and has access to tickets prior to their sale to the general public. Its principal place of business is 9348 Civic Center Drive, Beverly Hills, CA 90210.

58. Defendant Live Nation Concerts is a wholly owned subsidiary of LNE which involves the global promotion of live music events, the operation and management of music venues and the production of music festivals across the world. LNC is responsible for promoting, selling, distributing, allocating and withholding tickets to concerts and has access to tickets prior to their sale to the general public. Its principal place of business is 9348 Civic Center Drive, Beverly Hills, CA 90210.

59. Defendant Live Nation Ticketing, LLC is a foreign limited liability company that is a wholly owned subsidiary of Defendant LNE. LNT is responsible for promoting, selling, distributing, allocating and withholding tickets to concerts and has access to tickets prior to their sale to the general public.

Its principal place of business is 9348 Civic Center Drive, Beverly Hills, CA 90210.

60. Defendant Live Nation Global Touring is a foreign corporation engaged in the business of producing, promoting, and selling and distributing tickets to concerts and other live entertainment events and has access to tickets prior to their sale to the general public. Its principal place of business is 9348 Civic Center Drive, Beverly Hills, CA 90210.

61. Defendants ABC Corp. 1-20 are fictitious names for various subsidiary, parent, predecessor, and/or acquiree entities of Defendants or other entities or persons that have had any interest in or control over the sale, presale, distribution, allocation, or holdback of tickets to the Concerts from sale to the general public and has access to tickets prior to their sale to the general public.

IV. VENUE

62. Venue in this action properly lies in this District, pursuant to 28 U.S.C. Sec. 1319(a) and the Defendants are subject to personal jurisdiction in the District in which this action is filed.

V. FACTUAL BACKGROUND

63. Defendants are responsible for promoting the Concerts and for the distribution, sale, allocation, holdback and/or supply of tickets to the Concerts.

64. Defendants withheld and continue to withhold more than 5% of tickets to the Concerts that are destined to be available for sale to the general public.

65. Defendants' practice of withholding more than 5% of its tickets to the Concerts that are destined to be available for sale to the general public violates the New Jersey Consumer Fraud Act.

66. Due to the Defendants' withholding of tickets to the Concerts in violation of the Statute, Glickman and Kimmel paid more for tickets on the secondary market than they would have if Defendants had not violated the Statute and made 95% of tickets that are destined to be available for sale to the general public available to the general public for purchase.

67. Had Defendants complied with the Statute and made 95% of the tickets to the Concerts destined to be available for sale to the general public available to the general public the cost for tickets on the secondary market would have been less.

68. Glickman and Kimmel suffered an injury-in-fact and have satisfied Article III standing.

FACTS RELATING TO PLAINTIFFS

69. On August 21, 2013, Plaintiff Glickman purchased two tickets to Phish's 2013 Fall Tour.

70. Plaintiff Glickman paid \$440.95 for the two tickets which, was far in excess of the face value of the tickets.

71. Face value for the tickets was \$57-\$63 per ticket.

72. Prior to purchasing tickets on the secondary market, Glickman attempted to purchase tickets at face value on Ticketmaster.com but was unable to.

73. Defendants withheld more than 5% of tickets that were destined to be available for sale to the general public for the benefit of, inter alia, sponsors, artists, media outlets, the venue, and other insiders to Phish's October 31, 2013 concert in violation of the Statute causing Glickman and the Plaintiff Class to purchase tickets at more than face value.

74. Glickman's damages are the difference between what he paid and either the face value of the tickets or what the cost of the tickets would have been had Defendants complied with the Statute.

75. Maroon 5's "Overexposed" tour was held at the IZOD Center on February 23, 2013 located in East Rutherford, New Jersey. The maximum ticket price was \$121.

76. On February 6, 2013, Kimmel purchased 2 tickets to Maroon 5's February 23, 2013 concert.

77. Kimmel paid \$250 per ticket, which was far in excess of face value of the tickets.

78. Prior to purchasing tickets on the secondary market, Kimmel attempted to purchase tickets at face value but was unable to do so.

79. Defendants withheld more than 5% of tickets that were destined to be available for sale to the general public for the

benefit of, inter alia, sponsors, artists, media outlets, the venue, and other insiders causing Kimmel and the Plaintiff Class to purchase tickets at more than face value.

80. Kimmel's damages are the difference between what he paid and either the face value of the tickets or what the cost of the tickets would have been had Defendants complied with the Statute.

CLASS ACTION ALLEGATIONS

81. Plaintiffs bring this action on their own behalf, and as a class action on behalf of the class defined herein, pursuant to, and properly maintainable under Fed. R. Civ. P. 23(a) and Fed. R. Civ. P. 23 (b) (3). The class consists of potentially hundreds of thousands of ticket purchasers to the Concerts victimized by Defendants' unlawful practices.

82. The class consists of all persons who paid for tickets to the Concerts at a ticket price that is higher than the face value of the ticket. The class continues to expand as Defendants continue to violate the provisions of the NJCFA with respect to current and future concerts. The class excludes counsel representing the class and all persons employed by said counsel, governmental entities, Defendants, any entity in which Defendants have a controlling interest, Defendants' officers, directors, affiliates, legal representatives, employees, co-conspirators, successors, subsidiaries, and assigns, any judicial officer presiding over this matter, the members of their immediate families

and judicial staff, and any individual whose interests are antagonistic to other class members.

83. Defendants subjected Plaintiffs and each of the class members to unlawful practices and harmed them in the same manner. Now, Plaintiffs and each class member seek to enforce their rights and remedies pursuant to the New Jersey Consumer Fraud Act.

84. Numerosity: The proposed class is so numerous that individual joinder of all their members is impracticable. While the exact number and identities of the class members are unknown at this time, such information can be ascertained through appropriate investigation and discovery. It is estimated that the class consists of thousands of members.

85. Typicality: Plaintiffs' claims are typical of the claims of their respective Class members in that they suffered similar damages resulting from a single course of conduct by Defendants. Each of the class members asserts the same legal causes of action.

86. Adequacy of Representation: Plaintiffs will fairly and adequately represent and protect the interests of the class. Plaintiffs have retained counsel with substantial experience in prosecuting complex lawsuits and class action litigation. Plaintiffs and their counsel are committed to vigorously prosecuting this action on behalf of the class and have the financial resources to do so. Neither Plaintiffs nor their counsel have any interests adverse to the class.

87. Superiority of Class Action and Impracticability of Individual Actions: Plaintiffs and the members of the class suffered harm as a result of Defendants' unlawful and fraudulent conduct. A class action is superior to other viable methods for the fair and efficient adjudication of the controversy. Individual joinder of all members of the class is impracticable. The damages suffered by the individual members of the class will likely be relatively small, especially given the burden and expense of individual prosecution of the complex litigation necessitated by the actions of Defendants. It would be virtually impossible for the individual members of the class to obtain effective relief from Defendants' misconduct. Even if members of the class could sustain such individual litigation, it would still not be preferable to a class action, because individual litigation would increase the delay and expense to all parties due to the complex legal and factual controversies presented in the Second Amended Complaint. By contrast, a class action presents far fewer management difficulties and provides the benefits of single adjudication, economy of scale and comprehensive supervision by a single Court. Economies of time, effort and expense will be fostered and uniformity of decisions ensured.

88. Commonality: There are questions of law and fact common to Plaintiffs and the class that predominate over any questions affecting only the individual members of the class. The common

questions of law and fact include, but are not limited to, the following:

- a. Whether Defendants withheld more than five percent (5%) of the tickets destined to be available for sale to the general public to the Concerts;
- b. Whether Defendants' actions violated the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-35.1;
- c. Whether Plaintiffs and the putative class sustained damage and loss thereby;
- d. The scope, extent and measure of damages and equitable relief that should be awarded;
- e. Whether Defendants' acts and omissions entitle Plaintiffs and the class to treble damages, attorneys' fees, prejudgment interest and cost of suit; and
- f. Whether Plaintiffs and the class are entitled to declaratory relief.

COUNT I
Violation of N.J.S.A. 56:8-35.1

89. Plaintiffs, on behalf of themselves and all others similarly situated, repeat and reallege all prior allegations as if set forth at length herein.

90. Defendants promote the Concerts and are responsible for the distribution, sale, allocation, holdback and/or supply of tickets to the Concerts.

91. Defendants have access to tickets to the Concerts prior to the tickets' release for sale to the general public.

92. Defendants withheld more and continue to withhold more than 5% of tickets destined to be available for sale to the general public to the Concerts.

93. Such practice is in contravention of N.J.S.A. 56:8-35.1, which prohibits withholding more than 5 percent of tickets destined to be available for sale to the general public.

94. Violation of this statute is a *per se* violation of the CFA and Defendants are strictly liable to the Plaintiffs and the class for such violations.

95. Plaintiffs and the class members suffered ascertainable losses consisting of the difference between the price they paid for tickets on the secondary market and either the face value of the ticket or the price of tickets on the secondary market had Defendants made the statutorily required amount of the tickets available to the general public and not violated the Statute, and accordingly were harmed by Defendants' conduct in violation of the CFA.

WHEREFORE, Plaintiffs demand judgment against the Defendants, on their behalf and that of similarly situated class members as follows:

- a. Awarding all relief available pursuant to the CFA, including but not limited to treble damages, interests, costs of suit and attorney's fees; and

b. Granting such other relief as this Court deems just and proper.

DEMAND FOR TRIAL BY JURY

Plaintiffs hereby demand trial by jury as to all issues in the above matter.

NAGEL RICE LLP

*Attorneys for Plaintiffs and
Putative Class*

s/ Bruce H. Nagel

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Dated: April 29, 2019